

## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PERSONAL BACK REST AND SEAT COOLING AND HEATING SYSTEM**, apparatus, the specification of which is attached hereto and is a U.S. Continuation-in Part Patent Application - PERSONAL COOLING AND HEATING SYSTEM - Reference Co-Pending Patent Application Number 10/754,429 filed January 9, 2004, which claims priority from Provisional Patent Application Number 60/439,972 which was filed on January 14, 2003.

I further state that I do not know and do not believe that the above-named invention has ever been known or used in the United States before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application, or in public use or on sale in the United States more than one year prior to this application; that the invention has not been patented or made the subject of any inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than six (6) months prior to this application; and that no application for patent or inventor's certificate on the invention has been filed by me or my representatives or assigns in any country foreign to the United States, except as identified below.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment if applicable.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: **Not Applicable**

<u>Prior Foreign Application(s)</u>	<u>Priority Claimed</u>
(Number) (Country) (Day/Month/Year Filed)	(Yes) (No)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>10/754,429</u> <i>(Application Serial Number)</i>	<u>January 9, 2004</u> <i>(Filing Date)</i>	<u>Patent Application Pending (Claiming Priority from Provisional Patent Application Number 60/439,972 which was filed on January 14, 2003.)</u> <i>(Status - patented, pending, abandoned)</i>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith: **ERIC R. BENSON**, Registration Number 38,074.

Send Correspondence to:

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MARK R. HARVIE

*Full Name of First Inventor*

  
*Inventor's Signature*

February 10, 2004

*Date*

1150 AIRPORT DRIVE, SOUTH BURLINGTON, VERMONT

*Residence Address*

UNITED STATES

*Citizenship*

1150 AIRPORT DRIVE, SOUTH BURLINGTON, VERMONT 05403

*Post Office Address*

Applicant or Patentee: **MARK R. HARVIE**

Serial or Patent Number: **U.S. Continuation-in Part Patent Application - PERSONAL BACK REST AND SEAT COOLING AND HEATING SYSTEM Reference Co-Pending Patent Application Number 10/754,429 filed January 9, 2004, which claims priority from Provisional Patent Application Number 60/439,972 which was filed on January 14, 2003.**

Filed or Issued: **Reference Co-Pending Patent Application Number 10/754,429 filed January 9, 2004, which claims priority from Provisional Patent Application Number 60/439,972 which was filed on January 14, 2003.**

For: **PERSONAL BACK REST AND SEAT COOLING AND HEATING SYSTEM**

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled as above and described in:

the specification filed herewith

application serial number 10/754,429, filed January 9, 2004

which claims priority from Provisional Patent Application Number 60/439,972 which was filed on January 14, 2003.

patent number \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under obligation under contract or law to assign, grant, convey, or license any rights in the

invention is listed below:

- no such person, concern, or organization  
 persons, concerns or organizations listed below\*

**\*NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: **Not Applicable**

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ADDRESS:

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[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**MARK R. HARVIE**  
**NAME OF FIRST INVENTOR**

  
**SIGNATURE OF FIRST INVENTOR**

**February 10, 2004**  
**DATE**